

PUBLIC NOTICE OF PRELIMINARY DETERMINATION
ON AN AIR QUALITY PERMIT APPLICATION
(ARM5019-043)

1. On August 21, 2008, the Department of Environmental Quality - Air Resources Management Bureau (Department) received a complete application from ConocoPhillips Company (ConocoPhillips) for an air quality permit to replace the existing Small and Large Crude Units and the existing Vacuum Unit with a new, more efficient Crude and Vacuum Unit. The application was given permit #2619-24.

2. The Department proposes to issue the permit. The preliminary determination required by ARM Title 17, Chapter 8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources, is anticipated to be mailed on September 24, 2008 to the applicant and to any members of the public who had requested a notice. The applicant filed a public notice of the application for permit in the Billings Gazette on April 12, 2008.

3. The permit application has received a Prevention of Significant Deterioration (PSD) ARM Title 17, Chapter 8, Subchapter 8 review. The Department has determined that the proposed conditions will require the use of Best Available Control Technology (BACT) on all affected sources. The pollutants requiring PSD review for this application are PM₁₀, SO₂, and NO_x. ConocoPhillips has submitted dispersion modeling which demonstrated that the SO₂ emissions consumed 2.7 µg/m³ or 13.5% of the annual Class II increment, 29 µg/m³ or 32.2% of the 24-hour Class II increment, and 157 µg/m³ or 30.6% of the 3-hour Class II increment.

4. Any member of the public desiring to comment must submit such comments in writing to the bureau at the Department of Environmental Quality, Air Resources Management Bureau, 1520 East Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901. Comments may address the bureau's analysis and determination, and information submitted in the application. In order to be considered, the comments must be received by October 24, 2008, which is within thirty (30) days of the date of mailing of the preliminary determination. Copies of the application and the bureau's analysis may be inspected at the bureau's office in Helena. The preliminary determination will also be available on the Department's website at http://www.deq.mt.gov/AirQuality/ARM_Permits/AirQuality.asp

5. The Department intends to make a decision on the application by November 3, 2008. A copy of the determination may be obtained at the above address. The permit shall become final 15 days from the Department's decision unless an appeal is made to the Board of Environmental Review and a stay on the permit is issued by the Board.

6. Any person jointly or severally adversely affected by the final action may request a hearing before the Montana Board of Environmental Review. Any appeal must be filed within 15 days after the Department renders its decision. The request for hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. Submit requests for hearing in triplicate to: Chairman, Board of Environmental Review, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana 59620.